

Political Science 250/250 W
Democracy and the Rule of Law
Professor Gretchen Helmke
Fall 2025

Tuesday/ Thursday 11:05-12:20 in Harkness Hall 329

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Office Hours: 1:30-2:30 Wednesdays, or by appointment

In this new upper-level undergraduate seminar, we will explore the relationship between democracy and the rule of law through the lens of political trials. When the rule of law functions properly, trials may involve political actors and/or have political consequences, but political considerations do not determine outcomes. If the rule of law fails, however, two types of problems can emerge. On the one hand, innocent politicians and citizens may be punished for political purposes – think “show trials” and “witch hunts,” or consider today’s so-called “weaponized” courts under illiberal democracies. On the other hand, failures of the rule of law may instead result in protecting guilty politicians or other powerful elites from accountability – think of the rampant impunity for corruption that plagues much of the world. Throughout this course, we will draw on a diverse body of scholarship from law, economics, history, and political science to study how political trials either help to uphold, or to degrade the rule of law under different types of political regimes.

By the end of the course, you should expect to have developed an understanding of:

- What a political trial is
- How political trials intersect with different conceptions of democracy and the rule of law
- The range of political trials that have taken place throughout different periods of history
- The different types of explanations that have been developed to understand why and when political trials occur

Course Requirements, Grading, and Academic Honesty

For students registered to take the class without a writing credit, grades will be based on the following assignments:

Participation: 20%

First Midterm Exam: 25%

Second Midterm Exam: 25%

Final Exam: 30%

For students registered with a “W,” grades will be based on the following assignments:

Participation: 20%
First Midterm Exam: 15%
Second Midterm Exam: 15%
Final Exam: 20%
Research Paper 30%

The University policies for Academic Honesty will be strictly adhered to for all presentations, exams, and writing assignments. See <https://www.rochester.edu/college/honesty/policy/index.html>

Participation

Participation makes up a significant part of your grade for this course. This class is a discussion seminar; it is not a lecture course. It is therefore essential that students be prepared to thoughtfully discuss all of the readings each and every class. Many of the works that we will read are intellectually demanding. Please be sure to leave yourself enough time to do all of the readings carefully before each class. Students will be expected to be able to debate the main ideas in the readings, as well as to draw meaningful comparisons across the readings. Before each class, please prepare at least two questions and/or ideas drawn from the readings to stimulate class discussion.

In addition, you will sign up to present one or more of the readings this semester to the class to begin the discussion. The sign-up sheet is available here

https://docs.google.com/document/d/1jy5IG0Iqm8jcvZMdupb_dMM2uNnItZYq4WMpj6XLgbc/edit?usp=sharing

Your presentation should take 10-15 minutes max, summarize and/or critique the reading, and provide discussion questions to begin the broader conversation. You may use PowerPoint if you choose to do so. Your summary notes or PowerPoint should be sent to Professor Helmke by midnight the night before class.

Exams

There will be two in-class midterms (9/30 and 11/4), as well as a cumulative in-person final (scheduled by the registrar for 12/17 at 4 pm). All exams will be based on the assigned readings and class discussion. A study guide will be provided several days before each exam. Criteria for grading each section (identification terms, short answers, and essays) will be made clear in the instructions on each exam. T

Absences and Make-Up Policy

Make-up exams and assignments will be given only under the most exceptional circumstances. Exams will not be re-scheduled to accommodate other courses. Missed exams or assignments due to illness require a doctor's note.

Term Paper (Only for Students Taking the Course for "W")

Each student will choose a country and topic on which they will write a 10-12 page research paper. Per the University of Rochester's policy, you may use AI for research purposes only; **all writing must be done without the help of AI**. To ensure that students

adhere to this policy, I will randomly select students to explain in their own words the ideas expressed in their papers. To qualify for a W, you must meet each deadline:

- 9/23 2-3 paragraph statement of your research topic. Please include the question(s) that you want to focus on, the materials that you anticipate using, and your working hypotheses.
- 10/16 1-2 page annotated bibliography. Please begin with a statement of your research topic and hypotheses and then briefly describe how each of the sources on your bibliography will contribute to your paper.
- 11/18 Last day to turn in required drafts.
- 12/4 Research Papers Due by Midnight- please email them to me at Gretchen.helmke@rochester.edu. LATE PAPERS WILL NOT BE ACCEPTED

Readings

1) All of the assigned journal articles are available on-line via the University of Rochester main library link: <https://www.library.rochester.edu/>.

2) Individual chapters from books will be photocopied and available in the Dropbox <https://www.dropbox.com/scl/fo/hasai1c4ppdjdwwzqusvrk/AHd0nHAtljoSV5thm2hoVCA?rlkey=6ddegzn9trbd2uot7kstcbfw1&st=2wf3otvv&dl=0>

3) The following books (for which we will read multiple chapters) are available for on-line purchase (e.g., on Amazon, etc):

Christenson, Ron, ed. *Political trials in history: from antiquity to the present*. Transaction Publishers, 1991.

Helmke, Gretchen. *Institutions on the edge: the origins and consequences of inter-branch crises in Latin America*. Cambridge University Press, 2017.

Shklar, Judith N. *Legalism: Law, morals, and political trials*. Harvard University Press, 1986.

Sunstein, Cass R. *Impeachment: a citizen's guide*. Penguin, 2019.

Extra credit (may be used once to improve one letter grade on either midterm)

Read any one of the following books and write a 3-5 page summary connecting the book to the themes of the class:

Hannah Arendt, *Eichmann in Jerusalem: A report on the banality of evil*.
Plato's *Apology of Socrates*
Arthur Koestler, *Darkness at Noon*
Franz Kafka, *The Trial*

Weekly Class Schedule:

Week 1: Democracy and the Rule of Law

Tuesday, August 26
Course Introduction and Presentation Sign-ups

Thursday, August 28
Weingast, Barry R. "The political foundations of democracy and the rule of the law." *American political science review* 91.2 (1997): 245-263.

Week 2: Political Trials

Tuesday, September 2:
Christenson, Ron, ed. *Political trials in history: from antiquity to the present*. Transaction Publishers, 1991: read trial of Louis XVI

Meierhenrich, Jens, and Devin O. Pendas, eds. *Political trials in theory and history*. Cambridge University Press, 2017. Read Introduction

Thursday, September 4
Kirchheimer, Otto. *Political justice: the use of legal procedure for political ends*. Princeton University Press, 2015. Pages 46-119.

Posner, Eric A. "Political trials in domestic and international law." *Duke LJ* 55 (2005): 75.

Week 3: Theorizing the Rule of Law and Judicial Independence

Tuesday, September 9
Christenson, Ron, ed. *Political trials in history: from antiquity to the present*. Transaction Publishers, 1991: read trial of Charles I

North, Douglass C., and Barry R. Weingast. "Constitutions and commitment: the evolution of institutions governing public choice in seventeenth-century England." *The journal of economic history* 49.4 (1989): 803-832.

Thursday, September 11
Shapiro, Martin. *Courts: a comparative and political analysis*. University of Chicago Press, 1986. Chapter 1

Week 4: Patterns in Prosecuting Former Leaders

Tuesday, September 16 (Class may be on Zoom)

Helmke, G., Jeong, Y., Kim, J, and Ozturk, S. (2019). "Upending impunity: Prosecuting presidents in contemporary Latin America." Working Paper.

Thursday, September 18 (No Class Meeting)

Week 5: Patterns in Prosecuting Former Leaders

Tuesday, September 23

Epperly, Brad. "The Provision of Insurance?: Judicial Independence and the Post-tenure Fate of Leaders." *Journal of Law and Courts* 1.2 (2013): 247-278.

Bahry, Donna, and Young Hun Kim. "Executive Turnover and the Investigation of Former Leaders in New Democracies." *Political Research Quarterly* 74.1 (2021): 199-211.

Midterm Review: Study Guide will be handed out

Thursday, September 25

Guest Speaker

Week 6: Legalism Accountability, and Justice post-WWII

Tuesday, September 30

1st Midterm

Thursday, October 2

Christenson, Ron, ed. *Political trials in history: from antiquity to the present*. Transaction Publishers, 1991: Nuremberg, Tokyo Trials, Eichmann

Shklar, Judith N. *Legalism: Law, morals, and political trials*. Harvard University Press, 1986. Pages 111-178

Week 7. Show Trials and Witch Hunts

Tuesday, October 7

Christenson, Ron, ed. *Political trials in history: from antiquity to the present*. Transaction Publishers, 1991: Salem Witch Trials and the Moscow Trials

King, Ernest W., and Franklin G. Mixon Jr. "Religiosity and the political economy of the Salem witch trials." *The Social Science Journal* 47.3 (2010): 678-688.

Mixon Jr, Franklin G., and Len J. Trevino. "The allocation of death in the Salem witch trials: a public choice perspective." *International journal of social economics* 30.9 (2003): 934-941.

Thursday, October 9

Hedeler, Wladislaw. "Ezhov's scenario for the Great Terror and the falsified record of the Third Moscow Show Trial." *Stalin's Terror: High Politics and Mass Repression in the Soviet Union*. London: Palgrave Macmillan UK, 2004. 34-55.

Decker, Stephanie K. "The Role of Public Confessions in Show Trials: An Analysis of the Moscow Show Trials." *Journal of Historical Sociology* 32.4 (2019): 459-477.

Week 8. McCarthyism and the Red Scare

Tuesday, October 14
Fall break

Thursday, October 16

Christenson, Ron, ed. *Political trials in history: from antiquity to the present*. Transaction Publishers, 1991. Hollywood 10, McCarthy Committee, the Rosenbergs

Polsby, Nelson W. "TOWARDS AN EXPLANATION OF McCARTHYISM 1." *Political Studies* 8.3 (1960): 250-271.

Gibson, James L. "Political intolerance and political repression during the McCarthy Red Scare." *American Political Science Review* 82.2 (1988): 511-529.

Week 9: Transitional Justice and the 3rd Wave of Democratization

Tuesday, October 21

Christenson, Ron, ed. *Political trials in history: from antiquity to the present*. Transaction Publishers, 1991. Argentine Junta

Nino, Carlos Santiago. *Radical evil on trial*. Yale University Press, 1996. Selections TBD

Thursday, October 16th

Sikkink, Kathryn. *The justice cascade: How human rights prosecutions are changing world politics*. WW Norton & Company, 2011. Selections

Week 10: Transitional Justice and the 3rd Wave of Democratization

Christenson, Ron, ed. *Political trials in history: from antiquity to the present*. Transaction Publishers, 1991. Trial of Havel

Tuesday, October 28

Nalepa, Monika. *Skeletons in the closet: Transitional justice in post-communist Europe*. Cambridge University Press, 2010. Selections

Thursday, October 30th

2nd Midterm Study Guide distributed in class

Week 11: 2nd Midterm

Tuesday November 4

2nd midterm in class

Thursday, November 6

Start Documentary: *The Edge of Democracy* by Petra Costa

Week 12: Anti-Corruption Campaigns

Tuesday, November 11

Finish Documentary: *The Edge of Democracy* by Petra Costa

Lagunes, P. F., & Svejnar, J. (Eds.). (2020). *Corruption and the Lava Jato Scandal in Latin America*. Routledge. Page 1-17, 68-129.

Taylor, Matthew M. "Coalitions, corruption, and crisis: The end of Brazil's Third Republic?." *Latin American Research Review* 55.3 (2020): 595-604.

Thursday, November 13

Christenson, Ron, ed. *Political trials in history: from antiquity to the present*. Transaction Publishers, 1991. Warren Hastings, Bacon, Teapot Dome Scandal

Maravall, José María, and Adam Przeworski. *Democracy and the Rule of Law*. Vol. 5. Cambridge University Press, 2003. Chapter by Maravall

Manzi, Lucia. "Judicial Populism and Corruption Prosecutions in the Mani Pulite Operation." *Law & Social Inquiry* (2024): 1-25.

Week 13: Impeachment in Comparative Perspective

Tuesday November 18

Helmke Gretchen. *Institutions on the Edge: the Origins and Consequences of Inter-Branch Crises in Latin America*. Cambridge University Press, 2017. Chapters 1-3

Thursday November 20th

Helmke Gretchen. *Institutions on the Edge: the Origins and Consequences of Inter-Branch Crises in Latin America*. Cambridge University Press, 2017. Chapters 4-7

Week 14: Impeachment and Presidential Power in the United States

Tuesday, November 25

Christenson, Ron, ed. *Political trials in history: from antiquity to the present*. Transaction Publishers, 1991 Andrew Johnson

Sunstein, Cass R. *Impeachment: a citizen's guide*. Penguin, 2019. Selections TBD

Thursday: Thanksgiving

Week 15: Impeachment and Presidential Power in the United States, continued

Tuesday, December 2

Howell, William G., and Terry M. Moe. "The strongman presidency and the two logics of presidential power." *Presidential Studies Quarterly* 53.2 (2023): 145-168.

Lawfare Discussion of Trump vs US Supreme Court Decision

<https://www.lawfaremedia.org/article/the-president-s-favorite-decision--the-influence-of-trump-v.-u.s.-in-trump-2.0>

Thursday, December 4

Final review and final study guide distributed